

MINUTES
FOR THE MEETING OF THE
COMMISSION ON WATER RESOURCE MANAGEMENT

DATE: March 21, 2007
TIME: 9:00 am
PLACE: DLNR Board Room
Kalanimoku Bldg.

Chairperson Peter T. Young called the meeting of the Commission on Water Resource Management to order at 9:05 a.m.

The following were in attendance and/or excused:

MEMBERS: Mr. Peter Young, Ms. Stephanie Whalen, Mr. James Frazier, Mr. Neal Fujiwara, Dr. Lawrence Miike

STAFF: Roy Hardy, Ed Sakoda, Lenore Nakama, Dean Uyeno, Charley Ice, Neal Fujii, Diane England, Robert Chong, Ingrid Kunimura, Faith Ching, Kathy Yoda, Jeremy Kimura

EXCUSED: Meredith Ching, Dr. Chiyome Fukino

COUNSEL: Linda Chow, Esq

OTHERS: Yvonne Izu, Steve Bowles, Teresa Dawson, Koa Kaulukukui, Alfredo Lee

All written testimonies submitted at the meeting are filed in the Commission office and are available for review by interested parties. The items were not taken in the order posted on the agenda.

A. APPROVAL OF MINUTES

1. February 21, 2007

MOTION: (Frazier/Whalen)
To approve the minutes.
UNANIMOUSLY APPROVED.

B. ANNOUNCEMENTS

Mr. Roy Hardy announced that Mr. Alfredo Lee, Executive Director of the Agribusiness Development Corporation will be making a PowerPoint presentation on the Waiahole Water System Update.

Mr. Roy Hardy introduced two new employees of the Water Commission, Diane England, geologist for the Survey Branch and Robert Chong, planner for the Stream Protection and Management Branch.

C. GROUND WATER REGULATION

1. Taba Farm, Inc., APPLICATION FOR A WATER USE PERMIT, Taba Farm Wells (Wells Nos. 2358-21, 22, 26), TMK 9-6-02:2, WUPA No. 749, Existing (Agricultural) Use for 0.010 mgd (or Total Flow from Wells), Waipahu-Waiawa Ground Water Management Area, Oahu

PRESENTATION OF SUBMITTAL: Lenore Nakama

DISCUSSION:

Ms. Nakama distributed an amended Exhibit 3. The original exhibit contained erroneous header information, although the data were correct. Ms. Nakama also amended the submittal discussion under "Quantity Justification" regarding the metering of Well No. 2358-21. Ms. Nakama stated that it would be better to require that Well No. 2358-26 be outfitted with a meter because there are uncertainties and assumptions associated with the field observation regarding natural flow and pumping capacity of Well No. 2358-21, given the sprinkler system constraints. Well No. 2358-26 discharges through an open pipe and is not connected to a pump or sprinkler system. Recommendation 3, regarding the metering requirement, was amended accordingly.

Commissioner Muike asked for clarification as to whether Ms. Nakama was or was not recommending capping of the wells. Ms. Nakama stated that staff was not recommending that the wells be capped.

RECOMMENDATION:

Based on the above analysis, staff finds that the proposed use is consistent with the seven criteria for obtaining a water use permit. Staff recommends that the Commission approve the issuance of Water Use Permit No. 749 to Taba Farm, Inc. for the reasonable and beneficial use of 0.864 million gallons per day of non-potable water for agricultural use from the Taba Farm Wells (Well Nos. 2358-21, 22, 26, & 29), subject to the standard water use permit conditions listed in Attachment B and the following special conditions:

1. Should an alternate permanent source of water be found for this use, then the Commission reserves the right to revoke this permit, after a hearing.
2. In the event that the tax map key at the location of the water use is changed, the permittee shall notify the Commission in writing of the tax map key change within thirty (30) days after the permittee receives notice of the tax map key change.
3. ~~Standard Condition 10 is modified to waive the requirement for installing a water meter on Well Nos. 2358-22, 26, and 29. The permittee shall install a water meter on Well No. 2358-21 to measure the rate of withdrawals during pumping of the~~

~~well. The total monthly run time of the pump must also be recorded and reported such that an estimate of the operating pump capacity may be determined.~~

AMENDED RECOMMENDATION:

That the Commission:

Based on the above analysis, staff finds that the proposed use is consistent with the seven criteria for obtaining a water use permit. Staff recommends that the Commission approve the issuance of Water Use Permit No. 749 to Taba Farm, Inc. for the reasonable and beneficial use of 0.864 million gallons per day of non-potable water for agricultural use from the Taba Farm Wells (Well Nos. 2358-21, 22, 26, & 29), subject to the standard water use permit conditions listed in Attachment B and the following special conditions:

1. Should an alternate permanent source of water be found for this use, then the Commission reserves the right to revoke this permit, after a hearing.
2. In the event that the tax map key at the location of the water use is changed, the permittee shall notify the Commission in writing of the tax map key change within thirty (30) days after the permittee receives notice of the tax map key change.
3. Standard Condition 10 is modified to waive the requirement for installing a water meter on Well Nos. 2358-21, 22, and 29. The permittee shall install a water meter on Well No. 2358-26 to measure total monthly flow through the discharge line. This quantity should then be assumed to be the rate of natural flow from the other three wells for monthly reporting purposes.

MOTION: (Whalen/Miike)

To approve the submittal as amended.

UNANIMOUSLY APPROVED AS AMENDED

G. NON-ACTION ITEM

1. Waiahole Water System Update by Alfredo A. Lee, Executive Director, Agribusiness Development Corporation

Mr. Alfredo Lee gave a PowerPoint presentation updating the history of the Waiahole Water System, improvements to the Leeward and Windward side, some of the requirements because of the contested case, rainfall, system loss, changes in that area dues to transition.

Commissioner Miike stated that this case has been going on for a long time and it set the legal precedent that says if you have inter-connected system, both surface and ground water must be regulated through permits. We have not been regulating surface water use on the Windward side. They are supposed to be subject to water use permitting like the Leeward Side. There are users on the McCandless Pipeline that should be permitted. When the contested case hearing is over, Commissioner Miike stated the desire to impose the permitting requirements on both the Windward and Leeward sides.

Please refer to the handout if you have any questions.

Commissioner Miike stated that in the last Waiahole decision the Commission referred the PMI motion to withdraw their water permit to the Commission. This motion has been pending since last July. Commissioner Miike asked the Chair why the motion is not on the agenda.

Chairman Young stated that he will work with staff to schedule it in a future meeting.

The meeting adjourned at 10:00 a.m.

H. NEXT COMMISSION MEETINGS (TENTATIVE)

1. May 16, 2007
2. June 20, 2007

Respectfully submitted,

PAULYNE K. ANAKALEA
Secretary

APPROVED AS SUBMITTED:

W. ROY HARDY
Acting Deputy Director